



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

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Public Notice No. **03-40**

Date: **April 30, 2003**

Application No. **960048511**

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch (Attn: Richard  
Graham)  
3701 Bell Road, Nashville, TN 37214

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## **JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS STATE OF TENNESSEE**

**SUBJECT:** Proposed Gravel Removal, South Harpeth River

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act (RHA) of 1899 and Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:** Charles Elcan  
4525 Harding Road, Suite 102  
Nashville, Tennessee 37205

**LOCATION:** Mile 6.4L, South Harpeth River, Davidson County, Tennessee (USGS Quad: Kingston Springs, TN; Latitude 36 deg 2 min 14 sec; Longitude 87 deg 2 min 8 sec).

**DESCRIPTION:** The proposed work would consist of removing gravel from a bar measuring approximately 75' x 250', to a depth not to exceed five feet, at the subject location. Using a front end loader, the material would be removed in the dry, during low flow, leaving a 10'-wide undisturbed berm between the removal area and flowing stream. The bottom elevation of the removal area would not be lower than the stream surface elevation. Access to the bar would be via an existing road. The material would be used for road maintenance. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be **CELNRN-OP-F 03-40**

relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

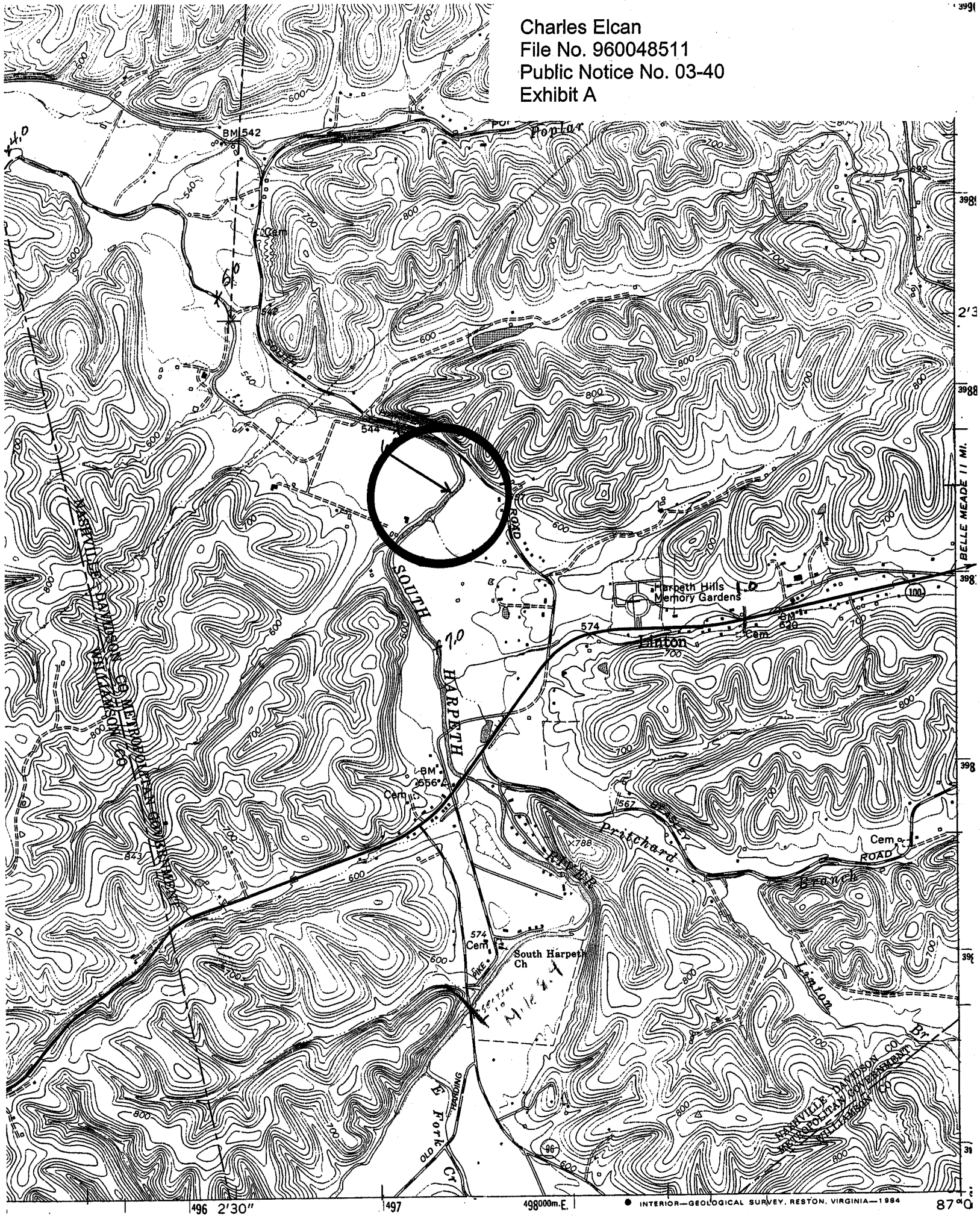
Other federal, state, and/or local approvals for the proposed work are as follows:

Water quality certification from the state of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in

this office on or before **May 15, 2003**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the **CELRN-OP-F 03-40**

Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501.



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